

of the Forty-second Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties; providing means and method of taking and possessing fish from fresh water streams of said counties; defining offenses and prescribing the penalty for violation thereof; and omitting Bell County from the list of said counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

SIXTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
April 26, 1933.

The Senate met at 2:30 o'clock p. m., pursuant to adjournment, and was called to order by Senator Woodruff.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Senators Excused.

Senator Beck was excused for the remainder of the week on account

of illness, on motion of Senator Redditt.

Senator Fellbaum was excused for the day on account of important business, on motion of Senator Stone.

S. C. R. No. 45.

Senator Purl sent up the following resolution:

Concurrent resolution authorizing the Comptroller to pay fee claims against appropriation for felony cases.

Whereas, S. B. No. 85, Acts of the Regular Session of the Forty-third Legislature, provides that sheriffs and constables for serving process and attending the examination in any felony case shall be entitled to such fees as are fixed by law for similar services in misdemeanor cases in county court to be paid by the State, and mileage actually and necessarily traveled in going to the place of arrest and for conveying the prisoner or prisoners as provided in Articles 1029 and 1030, C. C. P., and

Whereas, The law has heretofore only allowed the sheriffs and constables mileage fee for serving process after indictment and no mileage fee has been allowed for sheriffs and constables in examining trial cases, and

Whereas, The Forty-second Legislature, made specific appropriation for the fiscal year ending August 31, 1933, and the Forty-third Legislature made specific appropriation for the fiscal years ending August 31, 1934 and August 31, 1935, respectively, for the payment of fees and costs of sheriffs, attorneys, and clerks, felony cases, but did not make appropriation for the payment of mileage fees accruing to sheriffs and constables in examining trial cases. Now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Comptroller be and he is hereby authorized, when the appropriation for fees of county attorneys, justices of peace, sheriffs and constables in examining trials, where indictments are returned is exhausted to draw his warrant in payment of such fee claims against the appropriation for fees and costs of sheriffs, attorneys and clerks in

felony cases as made for the fiscal years ending August 31, 1933, and August 31, 1934, and August 31, 1935, respectively.

PURL.

Read and referred to Committee on Finance.

House Bill No. 166.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harman:

H. B. No. 166, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee substitute was adopted.

Senators DeBerry and Poage asked to be recorded as voting "No."

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 166 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—1.

Collie.

Absent.

Hopkins. Oneal.

Absent—Excused.

Beck. Fellbaum.

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—3.

Collie. Poage.
DeBerry.

Absent—Excused.

Beck. Fellbaum.

Motion to Set Special Order.

Senator Woodul moved to set S. B. No. 112 as special order immediately following the pending special orders. The motion prevailed by the following vote:

Yeas—13.

Blackert.	Poage.
Duggan.	Redditt.
Greer.	Sanderford.
Hornsby.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Patton.	

Nays—11.

Collie.	Murphy.
Cousins.	Purl.
DeBerry.	Rawlings.
Holbrook.	Regan.
Martin.	Woodward.
Moore.	

Absent.

Hopkins. Russek.
Neal. Small.
Parr.

Absent—Excused.

Beck. Fellbaum.

Senator Rawlings raised the point of order that it would require a two-thirds vote to take up this bill out of its regular order, which had not been done.

The Chair, Senator Woodruff, held that, since the regular order had not been suspended in order to take up the bill, the motion to set the bill as special order was tantamount to a motion to suspend the regular order of business in order to set the bill as special order and therefore would require a two-thirds vote; therefore the bill was not set as special order.

Senate Bill No. 530.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

By Senator Hornsby:

S. B. No. 530, A bill to be entitled "An Act exempting all male persons not otherwise exempt between the ages of eighteen and forty-five years residing in Burnet County from the performance of road duty, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 530 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Read third time and finally passed by the following vote:

48—Jour.

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Senate Bill No. 289.

Senator Holbrook asked unanimous consent to take up S. B. No. 289.

Senator DeBerry raised the point of order that the morning call had not been completed and a motion to suspend the rules during morning call in order to take up this bill was out of order.

The Chair, Senator Woodruff, sustained the point of order.

Senator Purl raised the same point of order and cited Rule 65 as follows:

"No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call."

The Chair, Senator Woodruff, sustained the point of order.

H. C. R. No. 48.

The Chair laid before the Senate: H. C. R. No. 48, Granting E. R. Leach permission to sue the State. Read and adopted.

H. C. R. No. 51.

The Chair laid before the Senate: H. C. R. No. 51, Granting Tibbetts Construction Co. permission to sue the State. Read and adopted.

H. J. R. No. 32.

The Chair laid before the Senate on its third reading the following resolution:

H. J. R. No. 32, Proposing an amendment to Section 1-a, Article VIII, of the Constitution of the State of Texas, exempting three thousand (\$3,000.00) dollars of the assessed value of all residence homesteads, as now defined by law, from all taxation for all State purposes, excepting until the expiration of such remission period, or the need of such remission, that portion of the State ad valorem taxes remitted within certain counties and political subdivisions now receiving a remission of such taxes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamations and making an appropriation to defray the expenses of the proclamation, publication and election.

Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

House Bill No. 852.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

H. B. No. 852, A bill to be entitled "An Act providing for the jurisdiction of the county court of Gillespie County, conferring upon said court civil and criminal jurisdiction, and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 852 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

H. J. R. No. 41.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 41, Proposing an amendment to Section 5, of Article II, of the Constitution of Texas, permitting a city that has adopted and amended its charter as provided in Section 5, of Article II, to alter,

amend, or repeal its charter once in every six months, providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor."

Read second time and passed to third reading.

H. J. R. No. 42.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 42, Proposing amendments to Section 30, of Article XVI, of the Constitution of Texas, permitting elected officials of a city that has adopted and amended its charter as provided in Section 5, of Article II, of the Constitution of Texas, by amendment to such city's charter to hold office not exceeding four (4) years; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making an appropriation therefor.

Read second time and passed to third reading by the following vote:

Yeas—13.

Blackert.	Redditt.
Cousins.	Regan.
Duggan.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Neal.	Woodul.
Pace.	

Nays—9.

Collie.	Purl.
DeBerry.	Rawlings.
Holbrook.	Woodruff.
Moore.	Woodward.
Murphy.	

Present—Not Voting.

Oneal.

Absent.

Greer.	Poage.
Parr.	Russek.
Patton.	

Absent—Excused.

Beck.	Hopkins.
Fellbaum.	

H. J. R. No. 43.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 43, A joint resolution proposing an amendment to Subsection (a) of Section 20, Article 16, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

The committee amendment was read and adopted.

The resolution was read second time and passed to third reading.

H. C. R. No. 45.

The Chair laid before the Senate:

H. C. R. No. 45, Granting certain banks in Alvarado and Grandview, Texas, permission to sue the State.

Read and adopted by the following vote:

Yeas—13.

Cousins.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Parr.	Woodul.
Patton.	

Nays—7.

DeBerry.	Regan.
Oneal.	Woodruff.
Purl.	Woodward.
Rawlings.	

Present—Not Voting.

Collie.

Absent.

Blackert.	Hopkins.
Duggan.	Moore.
Greer.	Pace.
Holbrook.	Poage.

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

Motion to Adjourn.

Senator Oneal moved to adjourn until 10 o'clock tomorrow morning. The motion was lost.

H. C. R. No. 38.

The Chair laid before the Senate: H. C. R. No. 38, Granting Interstate Contracting Co. permission to sue the State.

The resolution was read.

Senator Woodruff moved to refer the bill to the Committee on State Highways and Motor Traffic and that the State Highway Commission be notified and asked to appear before the committee and be heard.

Senator Collie moved as a substitute that the resolution be laid on the table subject to call.

Senator Purl raised the point of order that a quorum was lacking.

The roll call showed 22 present.

The substitute motion prevailed.

H. C. R. No. 46.

The Chair laid before the Senate: H. C. R. No. 46, Granting H. L. Stancil permission to sue the State.

Read and adopted by the following vote:

Yeas—20.

Blackert.	Patton.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—3.

DeBerry.	Poage.
Oneal.	

Present—Not Voting.

Holbrook.

Absent.

Greer.	Small.
Hopkins.	Stone.
Martin.	

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

Senator Woodruff moved to reconsider the vote by which the resolution was finally passed and spread the motion on the Journal.

Senator Regan called up the motion from the Journal and moved to table the motion. The motion to table prevailed.

H. C. R. No. 36.

The Chair laid before the Senate:

H. C. R. No. 36, Granting T. W. Tucker permission to sue the State.

Read and adopted by the following vote:

Yeas—19.

Cousins.	Parr.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—4.

Collie.	Poage.
DeBerry.	Woodruff.

Absent.

Blackert.	Patton.
Hopkins.	Small.
Martin.	Stone.

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

Communication Referred.

The Chair laid before the Senate a communication from Mr. Charles F. Roeser.

Read and referred to the Investigating Committee.

House Bill No. 405.

The Chair laid before the Senate on its second reading H. B. No. 405.

Read second time.

On motion of Senator Greer, the bill was laid on the table subject to call.

House Bill No. 882.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

H. B. No. 882, A bill to be entitled "An Act providing for open season for the taking and killing of squirrels in Kaufman County, Texas, during the months of October, November, and December of each year."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 882 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

S. C. R. No. 46.

Senator Moore sent up the following resolution:

Whereas, By reason of the unprecedented economic condition many of

the high schools of Texas are faced with the problem of retaining their credits and classifications, and

Whereas, These credits and classifications have been obtained at great sacrifice to the citizens and taxpayers of Texas, and

Whereas, There is grave danger of many high school students being denied entrance to certain higher educational institutions by reason of the loss of credits by the school which they have been attending, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Committee on Classification of Texas be, and they are hereby directed not to withdraw the credits nor reduce the standard of any accredited high school in Texas for two years following the passage of this resolution, by reason of a reduction of salary of teachers and other employees, but that on the contrary, the said Committee on Classification be directed to retain the standing of every high school in Texas, where all conditions have been met exclusive of salary schedules fixed by the State Board of Education.

MOORE,	PURL,
DUGGAN,	ONEAL,
SMALL,	WOODRUFF,
WOODWARD,	REGAN,
GREER,	DeBERRY.

The resolution was read.

On motion of Senator Moore, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

House Bill No. 875.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 875, A bill to be entitled "An Act to be known as Articles 1656-a and 1656-b, applying to counties having a population of 350,000 or more, according to the last preceding or any future Federal census, prescribing the authority of the county auditor with reference to the system, forms, and reports to be used in connection with the receipt and disbursement of all county revenues, funds, fees, and moneys received and disbursed by county and

precinct officers belonging to the county, its subdivisions, and precincts, including moneys collected and disbursed by, or on hand with, such officers for the benefit of individuals, firms or corporations; prescribing the time, mode, and manner of making monthly, annual, or other reports to the auditor; authorizing the auditor to verify the cash on hand in support of all official reports of such officers relating to such receipts, disbursements, and balances; requiring the approval of the judge of the court in which such funds were deposited on all disbursements of such trust funds and requiring the countersigning of the county auditor on all checks issued, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 875 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Redditt.

Regan.	Stone.
Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.

Absent—Excused.

Beck. Hopkins.
Fellbaum.

House Bill No. 884.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

H. B. No. 884, A bill to be entitled "An Act providing for an open season on squirrels in Liberty and Hardin Counties, providing a penalty, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 884 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck. Hopkins.
Fellbaum.

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Greer.	Pace.
Holbrook.	Parr.
Hornsby.	Patton.

Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.

Absent—Excused.

Beck.	Hopkins.
Fellbaum.	

House Bill No. 153.

Senator Purl called up from the table the following bill:

By Mr. Reed of Dallas, Mr. Savage, and Mr. Kyle of Palo Pinto:

H. B. No. 153, A bill to be entitled "An Act amending Article 4442, Revised Statutes, 1925, of the State of Texas, by adding to said Article Section No. 5, so as to provide that when a keeper, manager, or owner of an institution defined in said article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, etc., and declaring an emergency."

Read second time and passed to third reading.

House Bill No. 407.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 407, A bill to be entitled "An Act providing for proof of the execution of attested or witnessed instruments or writings which are not required by law to be attested or witnessed, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 407 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Greer.	Oneal.
Holbrook.	Pace.

Parr.	Russek.
Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.

Absent—Excused.

Beck.	Hopkins.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Present—Not Voting.

DeBerry.	Pace.
----------	-------

Absent—Excused.

Beck.	Hopkins.
Fellbaum.	

House Bill No. 408.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 408, A bill to be entitled "An Act providing for evidence of handwriting by comparison, and declaring an emergency." (Relative to trial of any civil case.)

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 408 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Cousins.
Collie.	DeBerry.

Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

Beck.	Hopkins.
Fellbaum.	

Read third time and finally passed
by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Hopkins.
Fellbaum.	

Senate Bill No. 182.

Senator Hornsby called up from
the table the following bill:

By Senator Hornsby:

S. B. No. 182, A bill to be entitled
"An Act making it a misdemeanor,
punishable by fine or imprisonment
or both, for removing books, pam-
phlets, manuscripts, or newspapers
from the State Library or Supreme
Court Library without permission or
without having the books, pam-
phlets, manuscripts, or newspapers
charged out, and declaring an emer-
gency."

Senator Hornsby sent up the fol-
lowing substitute for the bill:

By Hornsby. C. S. S. B. No. 182.

A BILL**To Be Entitled**

An Act making it a misdemeanor,
punishable by fine or imprison-

ment, or both for removing books,
pamphlets, manuscripts, or news-
papers from any library within
this State without permission of
the person having immediate
charge of said library, and declar-
ing an emergency.

Be it enacted by the Legislature of
the State of Texas:

Section 1. Any person who shall
remove from any library within this
State, any book, pamphlet, document,
manuscript or newspaper, belonging
to any such library without permis-
sion of the person having immediate
charge of such library, shall be guilty
of a misdemeanor, and on conviction
thereof, shall be punished by a fine
of not less than ten, nor more than
one hundred dollars, or by imprison-
ment in the county jail not exceed-
ing ninety days, or by both such fine
and imprisonment.

Sec. 2. The fact that many valu-
able books have been taken from the
libraries of this State without per-
mission of the librarians or assist-
ants, and the fact that such books
have not been returned to the respec-
tive libraries creates an emergency
and an imperative public necessity
that the constitutional rule requiring
bills to be read on three separate
days be suspended, and said rule is
hereby suspended, and this Act will
take effect and be in force from and
after its passage, and it is so en-
acted.

HORNSBY.

Read and adopted.

The bill was passed to engross-
ment.

On motion of Senator Hornsby, the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 182 was put
on its third reading and final pas-
sage by the following vote:

Yeas—28.

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.

Stone. Woodul.
Woodruff. Woodward.

Absent—Excused.

Beck. Hopkins.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Hopkins.
Fellbaum.

Senate Simple Resolution No. 95.

Senator Greer sent up the following resolution:

Be it resolved by the Senate of Texas, That, when the pending special orders are disposed of that a suspension calendar be arranged by the calendar clerk, giving each Senator the option of placing one bill on the suspension calendar.

GREER.

Read and referred to Committee on Rules.

Adjournment.

On motion of Senator Russek the Senate, at 5:24 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 537 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 249 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 530 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 39 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 26, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 166, Making appropriations for the educational institutions of the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for said bill do pass in lieu thereof, and that the committee substitute (being identical with S. B. No. 98, as passed by the Senate) be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, April 25, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 531, A bill to be entitled "An Act amending Article 6674-n, Revised Civil Statutes of 1925, as amended by Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, and Chapter 79,

Acts of the Fifth Called Session of the Forty-first Legislature, so as to authorize the State Highway Commission or the commissioners court to condemn land not more than one hundred feet in width for stream-bed diversion in connection with the locating, re-locating or construction of a designated State highway, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Engrossed Copy of S. B. No. 39.

(Ordered printed in the Journal on motion of Senator Moore in this morning's Journal.)

By Moore.

S. B. No. 39.

A BILL

To Be Entitled

An Act defining primary and secondary highways; designating highways so defined, directing the State Highway Commission to complete construction of said designated highways in their order; limiting the designation of primary and secondary highways; requiring the Highway Commission to make recommendations to the Legislature for construction and maintenance of highways; providing for designation of highways when records have been on file with the Highway Commission; providing for maps to be designated as official maps; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Highways defined.

A Class "A" primary highway is hereby defined as a highway originating at the Texas State Line and following a continuous route across the State in as near a direct line as practicable to the opposite side of the State and which terminates at a point intersecting the primary highway of the adjoining State, at waterfronts or foreign country, in conformity with the rules promulgated by the Federal Bureau of Public Roads, authorized by the Acts of Congress of the United States, provided that the latest maps on file with the State Highway Department at the time of passage of this Act

shall be designated as Exhibit No. 1, and are hereby adopted as the official maps.

A Class "B" primary highway is hereby defined as a highway originating at the State line or at a point on a Class "A" primary highway and which terminates at the intersection of a Class "A" primary highway, provided that the latest maps on file with the State Highway Department at the time of passage of this Act shall be designated as Exhibit No. 1, and are hereby adopted as the official maps.

A Class "A" secondary highway is hereby defined as a highway originating at a county seat or at a point other than the State line and which terminates at a point on a Class "A" or a Class "B" primary highway as above defined, provided, that the latest maps on file with the State Highway Department at the time of passage of this Act shall be designated as Exhibit No. 2, and are hereby adopted as the official maps.

A Class "B" secondary highway is hereby defined as a highway originating at a point other than at the State line or other than at a county seat and which follows as nearly as practicable the established rural free delivery routes of the State of Texas. Provided, that this shall not be construed to mean that such rural free delivery routes are adopted and/or designated as a complete highway system, provided, that the latest maps on file with the State Highway Department at the time of passage of this Act shall be designated as Exhibit No. 2, and are hereby adopted as the official maps.

Sec. 2. It shall be the duty of the State Highway Commission to estimate and make recommendations biennially to the Legislature:

(a) The amount of appropriation necessary actually to complete and/or construct Class "A" and Class "B" primary highways of the State as designated on maps on file in the State Highway Department and which map or maps are hereby adopted and made a part of this Act, and designated as Exhibit No. 1.

(b) The amount of appropriation to be made by the Legislature to begin construction of, and to be expended upon, secondary highways as designated on maps on file in the State Highway Department and

which map or maps are hereby adopted and made a part of this Act, and shown as Exhibit No. 2.

Provided, that it shall be the duty of the State Highway Commission to complete and/or construct all Class "A" and Class "B" primary highways above defined and designated through the county seat of the county traversed by such highway, if the said highway is, at the time of the passage of this Act, designated a distance of not more than five miles from the county seat of the county traversed.

Provided that where application has been made and the records of such application have been on file with the Commission for a period of twelve (12) months or longer, and whether or not a designation has been actually or tentatively made under such records, the State Highway Commission is hereby empowered to designate such as a Class "A" secondary highway as defined in paragraph 3 of Section 1 of this Act.

Sec. 3. The State Highway Commission shall not have authority to spend any part of the funds now being collected or hereafter to be collected on designations other than those adopted in subsection (a) and (b) of Section 2 of this Act, except:

Designations absolutely necessary and essential to complete connections of Class "A" and Class "B" primary highways and Class "A" secondary highways.

Sec. 4. No part of the funds provided for the State Highway Commission shall be expended upon secondary highways unless and until all primary highways as designated by maps referred to in subsection (b) of Section 2 have actually been completed and are usable from State line to State line; except secondary highways to complete primary highways as above defined.

Provided, however, that the Highway Commission may, out of highway funds not otherwise appropriated, continue the constructions, completion and maintenance of secondary highways already designated as shown in Exhibit No. 2, and provided further that nothing in this Act shall prevent the State Highway Department from shortening routes and straightening alignments of

designated highways shown in Exhibit No. 1 by elimination of grade crossings or dangerous curves and/or obstruction as in their judgment will be for the best interest of the citizens of Texas, but it is further understood that the Highway Commission shall adhere to the general routes and alignments of highways outlined on the maps adopted as parts of this Act.

Sec. 5. All laws or parts of laws in conflict herewith are hereby specifically repealed.

Sec. 6. The fact that it is important to the taxpayers of the State that they be informed of the expenditure of public funds; that they should know in advance the purposes for which they are asked to supply funds; the fact that the State does not at this time have a completed highway system; the fact that the purpose in asking for the expenditure of the funds is to construct a complete and comprehensive system of State Highways, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

SIXTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
April 27, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.